



SIMPLIFYING IMMIGRATION LAW CONSULTATION ON A NEW FRAMEWORK FOR IMMIGRATION RULES

Pro-forma for Responses

November 2009

This is a joint response from the British, Scottish and Welsh Refugee Councils.

We are happy for it to be published.

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General comments

We would like to begin with two general concerns. There is still no reference in the draft Immigration Bill 2009 or in the draft Immigration Rules to the effect that nothing in the Rules will lay down any practice which is contrary to the Refugee Convention. We believe that this should remain as part of the statute and be reflected in the Rules. It is contrary to the UK's international obligations to seek to legislate for its own interpretation of these obligations.

We are also concerned about the extent to which parliament allows extensive powers to be given to the Secretary of State, to be enacted in the form of Rules, without sufficient detail of how these powers are to be exercised. The powers in relation to entry and expulsion in the draft Immigration Bill are examples of this.

1. Should we modernise and simplify the Immigration Rules?

Yes. We would like to emphasise the point that the primary user of the Rules should be the general public. The aim should be to make them explicable to anybody who wishes to apply to come or remain here. If they are explicable to the main user they will also serve their purpose as guidance to case owners and others. With use of online technology they should then provide links to any relevant Guidance or legislation. This is stated at point 2.8 of the Consultation but we feel that there should be more emphasis on the aim to make the Rules clear and understandable to the main user – the public.

2. Should we make Rules change more predictable and transparent e.g. scheduling routine Rules changes and listing potential Rules changes?

Yes. This is a most welcome development as it will help to avoid the unfortunate impacts of sudden Rule changes that have occurred in the past. It is not clear from the Consultation document exactly how this will be carried out but the principle is a good one. It would be desirable to have the procedure for making these changes referred to on the face of the statute with the details specified in the Rules themselves.

With regard to archiving previous Rules this is to be welcomed. There will be a need to archive previous Guidance as well as previous Rules.

3. Should we reduce the amount of guidance, ensure any remaining guidance is better quality, and refocus our energy and effort from creating and maintaining guidance into ensuring the Immigration Rules are simple and clear in the first place?

Yes. There is clearly a trade off between the level of detail in the Rules and the need for Guidance. It has certainly been the case in the past that has been a plethora of guidance that was difficult to navigate and whose relation to the Rules was unclear.

However we are concerned that there are many instances within the draft Immigration Bill where the Secretary of State is given wide powers in relation to entry, expulsion, reporting for example. The Rules need to be specific about how these various powers are to be exercised. Clearly if they do not do so there will be a requirement for further Guidance to be published, equally accessible and linked to the relevant Rule.

4. Is our suggested future Immigration Product and Rules structure clear and simple?

Yes. We would point out that Gateway Resettlement refugees are included at the end of the draft Protection Rules under the heading 'Miscellaneous' (P25 (47)) but not mentioned within the 'Products' here (P12 (5.5))

5. We are planning to modernise and simplify UK Ancestry and Representatives of Overseas Business and create new Rules and any guidance (if required) that reflects this framework. Have you got any specific suggestions on how we could modernise and simplify these areas?

Comments: None

INFORMATION ABOUT YOU

This information will help us to understand your consultation response.

Please indicate tick the box that best describes you

All three agencies are familiar with the Immigration Rules and Guidance and refer to them regularly in their work.



The Refugee Council is a human rights charity, independent of government, which works to ensure that refugees are given the protection they need, that they are treated with respect and understanding, and that they have the same rights, opportunities and responsibilities as other members of our society. We achieve this mission by:

- supporting refugees and working with them as they build a new life
- speaking up for refugees and ensuring that refugees themselves have a strong voice in all areas of UK life
- building links with people from across our society to increase mutual understanding of refugees
- making the case for a fair and just asylum system
- taking a leading role in helping to build up a vibrant, sustainable and successful refugee sector in the UK and internationally



The Scottish Refugee Council provides independent help and advice to those who have fled human rights abuses or other persecution in their homeland and now seek refuge in Scotland. We campaign to ensure that the UK Government meets its international, legal and humanitarian obligations and to raise awareness of refugee issues. Our vision is for a Scotland in which asylum seekers' and refugees' rights are respected and they are welcomed, treated with dignity and empowered to play a full and equal role in their new communities.



The Welsh Refugee Council's vision is to "empower refugees and asylum seekers to rebuild their lives in Wales". We campaign for a better deal for refugees, so that everyone who comes to Wales seeking asylum can live in safety, security and freedom.